

Mr. CONRAD. Mr. President, I want to comment on the home health proposal that is before us and ask the Chairman of the Finance Committee to clarify his intentions with regard to addressing this issue in the next Congress.

The current home health interim payment system isn't working. Under the current system, those agencies that abused the system and milked Medicare for every possible reimbursement dollar are rewarded with generous cost limits. However, North Dakota agencies that did not abuse the system, that worked hard to keep their costs down, are penalized with unrealistically low limits. Not only is this terribly unfair, it creates a terrible incentive for efficient, low-cost agencies to go out of business and transfer their employees and their customers to agencies that have ripped off the system.

This system clearly penalizes North Dakota home health agencies and the beneficiaries who rely on their services. The median per beneficiary cost limit for North Dakota home health agencies is the second lowest in the country—a mere \$2150 per year. In fact, the agency in North Dakota with the highest limit has a cap that is below the lowest limit in the state of Mississippi. There is no rational basis for this sort of inequity.

Unfortunately, the proposal before us today takes only the smallest of steps toward correcting this inequity and leaves in place too many of the current incentives that favor high cost, wasteful home health agencies. I do not see how I can, in good conscience, go back to North Dakota home health agencies and tell them that we can only lift their payments rates 2 or 3 percent when agencies in other parts of the country will continue to have payment limits 3 and 4 times as high as theirs. It is not fair. It is not good policy. It is not good enough. For that reason, I will feel constrained to object to this legislation unless I can be assured by the Chairman of the Finance Committee that there will be an opportunity to do better next year.

Mr. ROTH. Mr. President, I thank the gentleman from North Dakota for his comments. He is right; this change is only a small step. It does not "fix" the interim payment system. However, in the time remaining this year, this is the best we can do. It takes an important step toward making the system more fair, and it reduces the perverse incentives in the current system. In addition, it recognizes that the Prospective Payment System for home health will be delayed, so it delays for one year the 15% cut in payments that is currently scheduled to go into effect on October 1, 1999.

I want to assure my colleague from North Dakota, however, that I fully intend to revisit the home health issue next year. At that time, I pledge to work with him and other members of the Finance Committee to see if we can

come up with a system that better addresses the needs of North Dakota home health agencies.

Mr. CONRAD. I thank the Chairman. With that assurance, I will drop my objection and let this legislation move forward.

ADDITIONAL COSPONSORS

S. 2130

At the request of Mr. GRAMS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2130, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

ADDITIONAL STATEMENTS

TRIBUTE TO INDIANA STAFF

• Mr. COATS. Mr. President, I rise today to pay tribute to a group of people that have been of tremendous service to me during my tenure as a United States Senator. That group is my Indiana staff.

As I have so often said, whatever success I have achieved during my service as a Senator is greatly attributable to the tireless work of my staff. Their hours are long, and they toil in relative obscurity. However, they do so for the same reason that we as Senator make the sacrifice. They work so hard because they believe in this great nation we serve, and the ideals that are woven into the very fiber of our existence as Americans.

So much of our work here in the Senate focuses on legislative activity. For that is the stuff of headlines and news stories. However, it is hardly a reflection of one of the most fundamental responsibilities of a United States Senator, and that is providing caring and responsive service to the citizens of our state, the people who's trust we are charged with protecting and serving. And, Mr. President, it is those people serving in my State and regional offices that work so hard to insure that

the needs and requests of my Indiana constituents are met with friendly and effective service. They are the front line, they are my eyes and ears in Indiana, and without their hard work, it would be impossible for me to serve effectively.

As the distinguished senior Senator from Indiana pointed out yesterday, we have a rather unique operation back in Indiana. The senior Senator and I share a combined staff. They have served the state well. I would like to take a moment now to acknowledge my Indiana staff. Kathy Blane, Susan Brouillette, Sarah Dorste, Mark Doude, James Garrett, Amy Gaston, Michelle Mayer, Kevin Paicely, Lane Ralph, Karen Seacat, Libby Sims, Cory Shaffer, Angela Weston, Mike Duckworth, Barbara Keerl, David Graham, Pat McClain, Phil Shaull, Amy Hany, Tim Sanders, and Barb Franz. I believe I have included everyone. If I have not, let them know my appreciation.

As I have said, the distinguished senior Senator and I have shared staff, and so many will continue to work for the citizens of Indiana. Though some will go on to other endeavors, that same sense of responsibility and public service that has motivated them to date, I am sure will drive them to continue to play a positive role in the lives of Hoosiers for years to come.

I thank them and salute them. ●

TRIBUTE TO JUDGE JAN SMITH

• Mr. REID. Mr. President, I rise today to pay tribute to an outstanding Nevadan, my friend and former colleague, Judge Jan Smith. At the age of seventy-one, after years of service as Justice of the Peace for the Jean-Good Springs community, Judge Smith will retire from the bench next year. I want to take this opportunity pay tribute to Jan for her efforts to improve the lives of so many Americans, because her accomplishments have helped us all.

I have been fortunate enough to be a first hand witness to some of Jan's incredible achievements. I have watched her rise from legal aide and working mother in the early nineteen sixties to become one of Nevada's most influential judicial officers.

After toiling away as a legal secretary for a District Attorney and a county judge, Jan became deeply involved with a variety of grass roots causes. She was one of the first women in the state to be an advocate on behalf of the environment. In the city of Henderson, she canvassed neighborhoods and city hall to prevent industry from inflicting permanent damage to the environment. As a mother of six, she was insightful enough to take action so that her children could grow up with an ample supply of clean air and water.

Judge Smith was also a champion for the underprivileged. She worked tirelessly to create opportunities for the poor and disadvantaged in Nevada. Like many of her contemporaries, she

marched on behalf of women and children who needed a "hand-up", rather than a donation or handout.

When I served as Nevada's Lt. Governor, I began working closely with Jan when she was chosen to run the Southern Nevada office of then Governor Mike O'Callahan. Savvy and determined, she made an impression on everyone she worked with throughout those six years. Much of her success on the job came from her staunch work ethic and strong ties to both her family and the community.

The people of Nevada were truly fortunate to have Judge Smith come out of semi retirement to accept an appointment as a Justice of the Peace for the Jean-Good Springs district. She single-handedly reorganized the court so that it eventually became a model of fairness and efficiency. She has subsequently been reelected with overwhelming community support.

Judge Smith is one of the unsung heroes of the American justice system. Like many of our nation's Justice of the Peace Officers, she does not typically preside over big dollar, high drama cases. However, those like Judge Smith are the representatives of our legal system most likely to come in contact with everyday Americans. Professionals like Jan do more to preside over basic public safety issues because they handle the difficult events that are all too common in communities across the country—drunk driving and domestic violence. Essentially, Jan's career has required her to exercise judgement and make tough decisions that have lasting impact.

Judge Jan Smith truly believes in the law, as a fellow officer of the court and United States Senator, I have relied upon on Judge Smith's trademark intelligence and honesty, as well as her ability to astutely assess the character and behavior of the many Nevadans who visit her court.

Much of my admiration for Judge Smith stems from her enduring commitment to people of the Silver State. Her values are reflected not only in the way she lives her life, but in the many organizations she has served over the past thirty years. Judge Smith's lifetime of achievement is truly an inspiration, and she serves as an incredible role model for judicial prudence, legal acumen, and personal integrity.●

REAUTHORIZATION OF THE OLDER AMERICANS ACT

● Mr. HUTCHINSON. Mr. President, on Friday, October 10th, I became a cosponsor of legislation introduced by Senator McCAIN that would reauthorize the Older Americans Act. This Act, established in 1965, established a series of programs to benefit older Americans. Services provided include nutrition, transportation, nursing home ombudsmanship, and other senior's rights programs. Needless to say, Arkansas, which has over 200,000 senior citizens, has benefitted greatly from

the services provided through the Older Americans Act. In addition, the organizations in Arkansas that have received funding through the Act have done an incredible job in reaching out to our seniors.

While the Older Americans Act expired in 1995, its programs have widespread support, which has resulted in continued funding. Nonetheless, authorization is critical for the long-term stability of these programs and for the peace of mind of senior citizens. The McCain bill renews the act, without any changes, for a period of 3 years. Let me say that, as with any reauthorization, I strongly believe in the need for congressional hearings to examine the programs contained within the act to ensure that they are working well, efficiently serving the needs of seniors, and that any appropriate adjustments in funding are made. Regrettably, the Senate Labor and Human Resource Committee, on which I serve, has not taken action on any reauthorization legislation this year. Until the committee does so, and as an indication of my very strong support for the programs contained in the Older American Act, I am cosponsoring the McCain bill.

The Older American Act has improved the quality of life for so many of our Nation's elderly, and it will continue to provide vital services as the aging population grows. I sincerely hope that the Senate will act on legislation to reauthorize this important act soon.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

FEDERAL MARITIME COMMISSION NOMINATIONS

● Mr. HOLLINGS. Mr. President, I would like to take a moment to congratulate two nominees, Mr. Hal Creel and Mr. John Moran, upon their confirmation to be Federal Maritime Commissioners.

Hal Creel, a native of South Carolina and my former Senior Counsel on the Maritime Subcommittee, has been a Federal Maritime Commissioner for four years. He has served the last two and a half years as the agency's Chairman. As Chairman, he has demonstrated a wide-ranging knowledge of the maritime industry and an outstanding ability to oversee industry activities. Our Nation is extremely fortunate to have such a dedicated individual at the helm of this important government body.

Mr. Creel and the Federal Maritime Commission are responsible for overseeing all international liner shipping in the U.S.—over \$500 billion in trade. His efforts in the controversy surrounding Japan's restrictive port practices come immediately to mind.

The Government of Japan for many years has orchestrated a system that impedes open trade, unjustly favors Japanese companies, and results in tremendous inefficiencies for anyone serv-

ing Japan's ports. The FMC, under Mr. Creel's guidance, met these problems head-on and he was instrumental in bringing the two governments to the bargaining table. The bilateral agreement that resulted paves the way for far-reaching changes that can remove these unfair barriers to trade. The progress made to date has occurred in large measure due to the Commission's firm, results-oriented approach. I urge him to continue to keep the Japanese honest, and to perform their agreed upon obligations.

Hal Creel also has led the Commission in its efforts to resolve unfavorable trading conditions with the Peoples Republic of China and Brazil. These trades pose differing problems, but circumstances that nonetheless restrict U.S. companies or render their business dealings unnecessarily difficult or simply inefficient.

Hal Creel is widely respected by all sectors of the industry as an involved, knowledgeable Chairman who can be trusted to make impartial decisions based on all relevant factors. This has been evidenced by the objective, informed decisions he renders in formal proceedings, his voting record on important agency matters, and the evenhanded enforcement program administered by the Commission. As Chairman of the FMC, Hal Creel has worked hard to curb harmful practices and create equitable trading conditions for the entire industry. He takes a personal stake in these matters and works hard to obtain compliance with the laws passed by this Congress. But those who willfully violate the law or intentionally disregard the Nation's ocean shipping policies as contained in the Shipping Act are dealt with appropriately.

These are turbulent times in the liner shipping industry, times that call for effective and respected leadership from our Nation's regulatory body. Mr. Creel provides that leadership now, and I am certain will continue to do so as the industry enters the new environment that will result from the Ocean Shipping Reform Act of 1998 passed by this body last week.

I am proud of the accomplishments and fine work Hal has done at the FMC. I am also proud that he is a native South Carolinian. He certainly has continued the fine tradition and excellence he has established as a staffer and senior counsel for the Senate Commerce Committee. His reappointment is well deserved.

I also wish to convey my support for John Moran to become a Commissioner at the FMC. John also is a former Commerce Committee counsel who served all members of that Committee with distinction. John and Hal worked together at the Committee on a bipartisan basis, slugging through tough issues and serving all of the Members well.

For my Senate colleagues who do not know Mr. Moran, his only fault is that he is not from South Carolina. He has